January 5, 2015

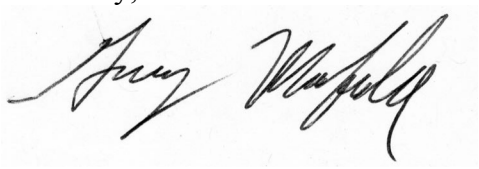
Objection Reviewing Officer
USDA Forest Service
Northern Region
PO Box 7669
Missoula, MT 59807

RE: Draft Record of Decision Lower Orogrande Project

Sent Via Email to: appeals-northern-regional-office@fs.fed.us

Pursuant to 36 CFR 218 regulations, this is an objection to the draft Record of Decision for the Lower Orogrande Project and final Environmental Impact Statement on the Clearwater National Forest. The Responsible Official is Cheryl Probert. This objection is filed on behalf of the Friends of the Clearwater and Alliance for the Wild Rockies. Friends of the Clearwater is the lead objector. However, since I am also a board member of Alliance for the Wild Rockies, my signature serves for both organizations on this objection letter.

Sincerely,



Gary Macfarlane
Friends of the Clearwater
PO Box 9241
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(208) 882-9755

--and for—

Alliance for the Wild Rockies
PO Box 505
Helena, MT 59624

INTRODUCTION

We filed earlier appeals on this project and filed a 60-day notice letter. In both cases, the decisions were withdrawn. It needs to be noted that the draft environmental impact statement is the same as the final environmental impact statement with the exception of the addition of public comments and an errata sheet

LOWER OROGRAND OBJECTIONS

Watershed and Fisheries Issues

Objection 1: On page 68 (Chapter 4) of the DEIS/FEIS it is stated that the WEPP model predicts sediment delivery to streams, but it appears that WEPP model results have been modified in Table 4.3 (Page 71, DEIS/FEIS Chapter 4) and the discussion below, based on inclusion of several unknown factors that supposedly are related to best management practices and that prevent sediment from reaching project area streams. The WEPP model has undergone extensive scientific testing. We object to the Forest's inclusion of untested sediment routing adjustments outside of the WEPP model. These "adjustments" are scientifically unsound and largely based on opinion rather than scientific fact. In any case, Table 4-3 does reflect that tons of sediment would be produced by logging activity.

Our comments noted concerns over sediment and modeling. Specifically regarding sediment we noted:

> *There is the question whether the project meets the forest plan settlement agreement and the forest plan water quality and fish habitat standards. The DEIS states that, "Any sediment yield increases would be short-term (0-5) years, and beneficial uses in Orogrande Creek and its tributaries would be maintained." There are two concerns with this statement. First, it suggests that sediment could increase, a violation of the settlement agreement and the forest plan standards. Second, it conflates the beneficial uses under state water law with the much stricter forest plan standards.*

We also noted regarding modeling:

> *Is the existing condition (page 43) actually the existing condition or a modeled condition? How can data that is at least fifteen years old be considered current? When was the actual monitoring on cobble-embeddedness done and what are the results? In other words, what monitoring data, including recent data, prove a positive trend in water quality since the forest plan was approved?*

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS that meets the forest plan settlement agreement.

Objection 2: We object to the conclusion that "no measurable sedimentation" will occur as result of the project. Had the WEPP model been used as designed a measurable increase in sedimentation would have been predicted and this would have had to be either offset by sediment reduction activities or the project canceled since it would not meet the 1993 lawsuit settlement of "no measurable increase in sedimentation" in drainages not meeting Forest Plan water quality standards. Indeed, Table 4-3 clearly shows an increase in sediment as a result of the WEPP model (WEPP sediment column) yet the narrative somehow comes to the illogical conlcusion there is no measurable sediment. This is an inconsistency. Orogrande Creek does not meet forest plan water quality standards. The DEIS/FEIS at page 43 admits, *"Since none of the project area tributary streams meet the desired condition for*

embeddedness, the Forest Plan Stipulation Agreement of creating no measureable increase in sediment has been applied to this project."

As in objection 1, we raise the issue of sediment:

> *There is the question whether the project meets the forest plan settlement agreement and the forest plan water quality and fish habitat standards. The DEIS states that, "Any sediment yield increases would be short-term (0-5) years, and beneficial uses in Orogrande Creek and its tributaries would be maintained." There are two concerns with this statement. First, it suggests that sediment could increase, a violation of the settlement agreement and the forest plan standards. Second, it conflates the beneficial uses under state water law with the much stricter forest plan standards.*

Objection point 1 also shows that sediment will increase as a result of this project. The Clearwater Settlement states, "The Forest Services agrees to proceed only with those projects that would result in no measurable increase in sediment production in drainages currently not meeting Forest Plan Standards." The DEIS/FEIS acknowledges many streams in the project area do not meet Forest Plan standards and that sediment would increase under the action alternatives. It notes, "Cobble embeddedness levels are higher than desired in most area streams."

Further, the data set is limited and incomplete. Current condition is listed as 1997 in one chart (page 43), sediment is apparently measured via personal observation rather than reliable monitoring protocol (pages 71 and 78).

Since the settlement agreement requires "no measurable increase in sediment," if modeling is used in lieu of monitoring (which it apparently is), then predicted increases in sediment are "measurable." As such, the logging and roadbuilding violate the settlement agreement.

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS that meets the forest plan settlement agreement.

Objection 3: We object to the fact that funding sources have not been identified for watershed improvement and road obliteration work (ROD page 10). This issue was also raised in our earlier appeals. All sediment reduction activities need funding assurances and cannot be accomplished with funds provided by the Bonneville Power Administration (BPA) and other entities such as the Nez Perce Tribe. The DEIS, FEIS and Record of Decision are all unclear on who will accomplish and fund the multitude of identified obliteration and watershed improvement projects and how these projects relate to projected sediment balances in the project watershed analysis. In short, the Forest Service needs to provide assurances that the conditions of the 1993 lawsuit settlement are being met and that they are providing the necessary funding to accomplish required sediment reductions.

REMEDY: don't issue the draft ROD in final form or complete all restoration activities before any logging and roadbuilding takes place.

Objection 4: The DEIS/FEIS and response to comments allege no impacts from precommercial thinning in RHCAs. As such, the agency has no experience to state there would be no effect to watersheds from this activity. Further, the fact this is precommercial thinning demonstrates that the agency intends to log in RHCAs. Thus the cumulative impacts and connected action of future commercial thinning or logging in the RHCAs have not been analyzed.

Thinning within RHCAs is also a concern. INFISH buffers would be violated in areas either upstream of or within critical bull trout habitat. The DEIS/FEIS reach a no effect conclusion on thinning which seems based upon the fact that RHCA buffers have been retained even though thinning will occur as close as 25 feet from streams. Thus, there is a disconnect. Past experience, where thinning did not occur, is used as a surrogate in this situation where thinning will occur within RHCAs.

REMEDY: Please drop precommercial thinning from RHCAs

NEPA/NFMA Issues

Objection 5: We object to the fact that the cumulative effects area has been limited to the project area and that activities on State and private land have only been estimated. The cumulative effects area for watershed condition needs to be the entire Orogrande Watershed. Impacts from State and private land activities and other foreseeable actions such as the French Larch proposal need to be incorporated into the analysis. Orogrande Creek is the primary stream within the project area identified in the Forest Plan and only two project tributaries identified in the watershed analysis (Pine Creek and Tamarack) actually have any Forest Plan standards. There are no Forest Plan standards for East Fork Elk Creek, Shake Creek, Hook Creek or Jazz Creek other than those associated with Orogrande Creek proper and standards which deal with maintaining channel stability of all tributary streams.

Since there is no way to separate impacts from State and private land activities, USFS activities occurring in the upper drainage and USFS activities in the lower drainage in the main Orogrande channel, there needs to be a cumulative impact assessment of all known activity. It is the Forest Service's responsibility to obtain all necessary information for running models such as WEPP and if information cannot be obtained a "worst case" scenario needs to be examined in regard to activity on State and private land. The Forest Service cannot just ignore a large part of the drainage as it has done in this project. A consistent approach is required across all ownerships.

For example, there is a failure to look at cumulative impacts on the percentage of forest cover and age classes. The DEIS/FEIS claims age class diversity is one of the reasons for this project, but the response to comments (page 13) admits this analysis is only for the national forest.

We object to the fact that the proposed French Larch project has not been disclosed in the DEIS, FEIS or Draft Record of Decision. This project proposes 1,989 acres of regeneration harvest, 334 acres of commercial thinning and 645 acres of pre-commercial thinning (Scoping Letter April 15, 2014). The French Larch proposal is within the Orogrande drainage and Old Growth Unit 113 and not mentioned in the watershed, old growth, fisheries or wildlife discussions. We believe it is very misleading to the public to suggest there are "no other proposed Forest Service projects in the project area" as is done in the DEIS, FEIS and Draft Record of Decision" when the Forest Service knows full well that another large project shares a common boundary with the Lower Orogrande project area. This is particularly egregious since the projects are in the same watershed and the same old growth unit. The French Larch proposal in combination with the Lower Orogrande proposal has implications for cumulative effects to water quality and a wide variety of fish and wildlife species and should have been discussed in the cumulative effects analysis.

Streams flow across this political, straight-line boundary. Wild animals cross the line. NEPA and the agency's own policy require that a cumulative impact analysis be done. The NEPA Handbook, (FSH

1909.15 Chapter 10, Section 15.1 notes, *"Cumulative effects must be considered and analyzed without regard to land ownership boundaries or who proposes the actions."*

Our past appeals and comments address these issues. We noted, *"Direct, indirect and cumulative impacts are difficult to judge given the contradictions, apparent lack of current data and other errors in the DEIS. Only the watershed improvement projects, which are relatively non-controversial, seem to be adequately analyzed."*

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS that meets the NEPA requirements for cumulative impact analyses.

Objection 6: The DEIS/FEIS fails in analyzing an adequate range of alternatives. An alternative looking at restoration was rejected from consideration (DEIS page 27). However, the first topic listed in the purpose and need section (page 3, DEIS) is watershed restoration. The failure to consider such an alternative violates NEPA.

The Seventh Circuit recently explained:

> *No decision is more important than delimiting what these "reasonable alternatives" are. . . . One obvious way for an agency to slip past the strictures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence). . . . If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role.* Simmons, 120 F.3d at 660.

This DEIS follows that pattern mentioned by the Court. In coming up with the purpose and need, the agency has defined the issues to preclude a reasonable array of alternatives, including a restoration alternative. As we show below, that is not legal.

"[A]n agency may not define the objectives of its action in terms so unreasonably narrow that only one alternative . . . would accomplish the goals of the agency's action, and the EIS would become a foreordained formality." Citizens Against Burlington, Inc. v. Busey, 938 F.2d 190, 196 (D.C. Cir. 1991), cert. denied, 502 U.S. 994, 112 S. Ct. 616 (1991). See also Ayers v. Espy, 873 F. Supp. 455, 467-68 (D. Colo. 1994) (rejecting timber sale EA because USFS considered only even-age management).

In Simmons, (cited above) a city applied to the Army Corps for a permit to build a dam, defining the purpose as supplying two water users from a single source. The court noted: "As a matter of logic, however, supplying Marion and the Water District from two or more sources is not absurd--which it must be to justify the Corps' failure to examine the idea at all." Id. at 669.

"An alternative may not be disregarded merely because it does not offer a complete solution to the problem." Citizens Against Toxic Sprays v. Bergland, 428 F. Supp. 908. 933 (D. Or. 1977). As one court explained, "[o]bviously, any genuine alternative to a proposed action will not fully accomplish all of the goals of the original proposal. One of the reasons that Congress has required agencies to set out and evaluate alternative actions is to give perspective on the environmental costs, and the social necessity, of going ahead with the original proposal." Town of Matthews v. United States Dept of Transp., 527 F. Supp. 1055, 1058 (W.D.N.C. 1981).

In California v. Block, 690 F.2d 753, 767-68 (9th Cir. 1982), the court held that the agency had not considered an adequate range of alternatives in its review of National Forest land to determine how to allocate that land among management categories. None of the alternatives designated more than 33 percent of the land in wilderness categories and less than 37 percent of the land in nonwilderness categories, even though all of the acreage considered met the criteria for wilderness designation. The court noted that the selection of alternatives dictated an "end result" in which nonwilderness designations exceeded wilderness designations by a substantial margin, and stated, "[r]ather than utilizing the Final EIS as an instrument for airing the issue of resource demand, the Forest Service instead shrouded the issue from public scrutiny behind the claim of administrative expertise." Id. at 768.

These issues are particularly relevant here because the revised DEIS/FEIS and draft ROD preclude any alternatives that call for restoration without logging. The excuse that the area is E1 doesn't fly as it is clear from court precedent, forest plans do not make site-specific decisions (see ICL v. Mumma). Furthermore, the DFEIS fails to analyze any action alternative that doesn't log in areas with high hazard rating for landslides, or thin in RHCAs.

Page 10 of the ROD makes it clear that everything is dependent upon logging, including restoration work, depending on the receipts and other funding sources. Such an approach violates NEPA because there is no guarantee the restoration projects will occur yet the DEIS/FEIS analyzes the project as if they will occur.

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS that meets the NEPA requirements for a range of alternatives.

Objection 7: One of the major problems is the use of (and abuse of) non-NEPA and non-decision documents as programmatic decision documents, like a forest plan. The Draft and Final EIS (DFEIS) contain programmatic decisions establishing new management direction for the Forest by developing new desired conditions. As such, they MUST go through forest plan amendment or revision.

For example, the Forest Plan does not give direction to have early successional (15 – 45%); young mid-successional (10 –40%); mature mid-successional (30 – 55%); and old forest (15 – 40%) in the desired future conditions (see pages II-16 to 11-19 of the Forest Plan as compared to page 3 of the DFEIS). The plan does not direct an increase in larch.

The two main statutes that govern the management of our National Forests are the National Environmental Policy Act (NEPA) and the National Forest Management Act (NFMA). These two intertwined environmental laws form the procedural path the Forest Service must follow when making management decisions that affect National Forest land. One of the most important steps in this path is the requirement of public participation in the management decisions. "Consistent with NEPA's goal of public-private cooperation in environmental protection", the public must be given the opportunity to review, comment on, and appeal or object to the forest management decisions made by the Forest Service.

Public participation in Forest Service management decisions is extremely important because it ensures agency compliance with the applicable environmental laws that control or affect land and resource use and provides for administrative and judicial review of these decisions.

Specifically, the Orogrande EAWS has not gone through the NEPA analysis and decision process to look at a range of alternatives or to consider cumulative impacts nor has it been adopted into the forest

plan. This is crucial because no alternatives to the non-forest plan DFCs have been considered. The cumulative effects of that change in direction has not been analyzed either.

Forest Service land-management, decision-making is a two-stage process. Briefly, there is the planning stage and the site-specific project stage. The planning stage is the production of Land and Resource Management Plans (LRMP's or Forest Plans). Forest Plans are regarded as programmatic documents that establish the management direction of the forest. The second stage is the development of site-specific projects. Site-specific projects "must be consistent with the plan (§ 219.15)."

Additional documents, which set management direction, under the deceptive auspices of analysis or more site-specific DFCs than included in the forest plan (see response to comments), are not allowed under NEPA and NFMA. Such use of a non-NEPA document is not consistent with NEPA, NFMA or the Clearwater National Forest Plan. It doesn't matter whether those "decisions" were made elsewhere. They must be adopted by the forest plan to be legitimate as desired future conditions.

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS that meets the NEPA and MNFA requirements.

Objection 8: The agency has failed in its obligation to complete monitoring in a timely manner. The latest monitoring report is from 2009. This is particularly crucial for MIS population trends, though it is an issue with all monitoring items. For example, the forest plan (pages IV-14 and IV-16) discuss MIS moniotirng and what management areas that monitoring affects. Without monitoring, the FS cannot know if conditions or demands in the area covered by the plan have changed significantly.

In other words, what changes are taking place on the landscape that affect MIS species or other monitoring items? Ecological processes are an important component in maintaining species habitat. Projects such as large-scale logging affect ecological processes. Attachment 1, from EPA, addresses issues like the confluence of ecological processes, habitat and human impacts.

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS.

Soil Issues

Objection 9: The Forest Service places a great deal of emphasis in their analysis in the fact that they now know how to prevent landslides. On page 64, Chapter 4 of the DEIS it is stated: "*There would be no direct effects on mass erosion or landslide hazard risk and indirect effects are expected to be minimal due to design features and BMP implementation. With no direct and only minimal indirect effects, there would be no cumulative effects on mass erosion and landslide hazard risk.*" Best management practices such as those described here have generally been implemented on the Clearwater National Forest since the 1995 and 1996 flood events. For the most part these methods have largely been untested by a similar large scale flood event and it remains to be seen how effective they will be. With over 75 landslides having occurred in the project area during the 1995 and 1996 flood events and only one of those landslides being due to natural causes (DEIS, Chapter 3, Page 37) you would think the Forest Service would be a little more cautious about placing units on high risk landtypes. We therefore object to all units and roads that occur on high risk landtypes (see ROD page 8). We do not agree that relying on untested design features will meet the intent of the 1993 lawsuit settlement in terms of producing no measurable increase in sedimentation. The Forest Service cannot assure that operation on high risk

landtypes will not cause a large mass failure and delivery of large amounts of sediment to project area streams.

In our comments we noted, "*The acreage to be logged ("treated") on soils with high landslide potential is enormous--416 acres. Why wasn't an alternative developed that avoided these areas? Why retain only 50% of trees when 100% canopy cover is needed in the most hazardous areas?"*

We also noted, "*We request a careful analysis of the impacts to fisheries and water quality, including considerations of sedimentation, increases in peak flow, channel stability, risk of rain-on-snow events, and increases in stream water temperature, and landslide potential.*"

REMEDY: Please drop all units on high risk landtypes.

Other Issues

Objection 10: The DFEIS alleges that logging and thinning will aid in carbon sequestration as opposed to the no action alternative. According to Science Daily (Dec. 20 2011 it notes:

> *Forest thinning to help prevent or reduce severe wildfire will release more carbon to the atmosphere than any amount saved by successful fire prevention, a new study concludes.*

and

> *"Some researchers have suggested that various levels of tree removal are consistent with efforts to sequester carbon in forest biomass, and reduce atmospheric carbon dioxide levels," said John Campbell, an OSU research associate in the Department of Forest Ecosystems and Society. "That may make common sense, but it's based on unrealistic assumptions and not supported by the science."*

and

> *The researchers also said that the basic principles in these evaluations would apply to a wide range of forest types and conditions, and are not specific to just a few locations.*
>
> *"People want to believe that every situation is different, but in fact the basic relationships are consistent," Campbell said. "We may want to do fuel reduction across much of the West, these are real concerns. But if so we'll have to accept that it will likely increase carbon emissions."*

This new research suggests that both biomass use and thinning actually harm carbon sequestration. The DEIS doesn't contain the latest science and makes assumptions about carbon sequestration that are not supported by the latest science.

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS.

Objection 11: There are several issues with wildlife. The DEIS/FEIS concludes that there would be no impact to harlequin ducks because human disturbance patterns would be unchanged. However, thinning would be allowed to occur within 25-feet of streams, which is a change in human disturbance patterns as the agency does not conduct precommercial thinning in RHCAs. This change in disturbance patterns may affect other species as well, even if the agency were to continue to contend that harlequin ducks would not be affected.

Northern Goshawk, American Marten Pileated Woodpecker
The impacts to the pileated woodpecker, pine a marten and goshawk are dismissed because there is other habitat available. This "over the hill" strategy does not take into account impacts to that other habitat or possible changes in that habitat from other projects. Further, there is no indication that the habitat is filled as monitoring has been spotty at best. Thus, the impacts to these species from cumulative impacts are not adequately analyzed.

Fisher represents an interesting problem. The DEIS/FEIS claims very limited habitat for fisher (page 53), less than 2,700 acres in total. However, it then states six documented sightings of fisher in the project area. If ranges are indeed 7,400 to 30,000 acres for males and 1,500 to 18,500 for females, the same fisher (or fishers) were seen on more than one occasion and these fishers are not shy. Of course, the more logical explanation is the habitat model is wrong. Similarly, the 600 acres of wolverine habitat in the project area resulted in one sighting. Attachments 2, 3, 4 and 5 are scientific papers that address fisher in and around the project area and were available after the DEIS comment period was over but well before the draft ROD was signed. Simply put, the fisher analysis is inadequate especially since fishers have been found in the project area and were a major focus of research

Moose and White-tailed Deer
The DEIS/FEIS does not examine impacts to moose and white-tailed deer because it assumes that management effects are similar to those that would impact elk. However, the summer analysis uses the *Interagency Guidelines for Evaluating and Managing Elk Habitats and Populations in Central Idaho*. These guidelines were set at a very low standard (25% of potential on E-1 lands) in the Clearwater Forest Plan. This very low standard was a forest plan compromise that allowed higher standards (70% of potential) to be applied in other areas (C8S management areas) of the Clearwater National Forest that were thought to be more important to elk. A 25% standard across the Clearwater Forest in lands that were scheduled for timber harvest would not have assured viable and huntable populations of this important species.

Using summer guidelines for elk and applying those guidelines at a very low standard cannot and will not protect white-tailed deer and moose habitat. First, the guidelines are primarily aimed at maintaining elk security habitat during the summer and fall. Maintaining security habitat may help moose poaching, since this is considered an important problem for this species. However, white-tailed deer are not thought to be as vulnerable to hunting mortality and their vulnerability is considered to be much lower than elk. Most studies on moose and white-tailed deer (Pauly et al. 1993, Beier and McCullough 1990) are concerned with maintaining forage quality and favorable wintering conditions.

White-tailed deer and moose have much different foraging strategies than elk. Deer and moose are generally browsers and as such they are much more dependent on shrubs and small understory trees than are elk. While elk do some browsing they also utilize a much higher percentage of grass and forbs in their diet. Elk also tend to utilize more open habitat types when foraging and they will often select meadows and other open grassy locations. Moose tend to select more shrub-dominated sites and white-

tailed deer are more adapted to foraging along edges and underneath the forest canopy. White-tailed deer are often very reluctant to move away from forest cover.

All three species have different strategies for dealing with deep snow during the winter. Elk tend to move to lower elevations were snow depths are less and they generally occupy south facing slopes with lower snow depths. They often use open areas such as south facing shrubfields. Moose tend to winter individually at higher elevations where they seek out areas of high forage abundance. Their large size and long legs gives them the ability to tolerate much deeper snow depths than either deer or elk. As the smallest species, white-tailed deer select forested sites on southern exposures that provide lower snow depths due mostly to snow interception by trees (Pauly et al. 1993, Beier and McCullough 1990).

The DEIS/FEIS needs to describe how wintering populations of the two species will be influenced by proposed management practices. Because of the way all three species utilize the project area during the winter, the effects of timber harvest and fuel treatment will be different on all three species. The DFEIS did not look at those issues.

The range of white-tailed deer and elk is not the same on the Clearwater National Forest. White-tailed deer are primarily found in lower elevation areas along the western edge of the Clearwater National Forest. These are the productive foothill areas of the Clearwater National Forest that have been historically managed for timber production and were identified as E-1 lands in the Forest Plan. In contrast, elk are found throughout the Clearwater Forest and management prescriptions that are most protective of summer elk habitat are tied more to roadless wildlands (C8S, B-2, A-3, C8S, C-1 and C-3) in the North Fork Clearwater and the Lochsa Rivers. Applying a very low elk standard that was part of a larger strategy for maintaining some elk habitat across the Clearwater National Forest to the stronghold of white-tailed populations is not a reasonable approach.

It is very clear, that if one examines the habitat requirements of moose, white-tailed deer and elk with any serious scientific rigor that the species do not have the same habitat requirements. They have different foraging strategies and utilize habitats very differently (especially during the winter). All three have different reactions and differing vulnerabilities to human disturbance and hunting pressure. They have much different distributions on the Clearwater Forest and strategies designed for one species on the Clearwater National Forest (like elk) do not make sense for a species that is much more narrowly distributed (like white-tailed deer). As Clearwater Forest Plan Management indicator species, the EEIS must examine impacts to each of these species independently.

Elk

The DEIS/FEIS fails to disclose size of the elk analysis. The project area is contiguous to sate and private land containing significant roads and impacts. The impacts o elk need to be looked at in a broader and cumulative context. Elk do not follow ownership lines and the agency must look at the larger area for cumulative impacts when conducted these analyses. However, the acreage analyzed for EAAs is the same as the project area. As such, the cumulative impacts to elk security on contiguous private and state land are overlooked.

Lynx

The new analysis on lynx is simply a mapping exercise. The DEIS/FEIS does not discuss any surveys that may have occurred in the project area for lynx. This species may suffer from the same modeled habitat problem as addressed for other species in this appeal. The DEIS/FEIS offers inadequate information on lynx.

Grizzly
The new analysis concludes there are no grizzlies in the Clearwater National Forest in spite of the fact one was killed there in 2007. However, the analysis in the draft ROD is not a habitat analysis reqired by the forest plan ROD. The forest plan ROD at pages 34 notes that the agency "is conducting studies to determine if recovery habitat is present." Page 35 notes, once the studies are completed "Management implications" will then be "analyzed" and considered. The grizzly analysis in the draft ROD does not explain about grizzly habitat, what habitat studies have been done, and what any management implications may be.

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS.

Objection 12: The sensitive plant analysis is inadequate and not site specific. There is no Biological Assessment or Biological Evaluation of Sensitive Plant Species that is provided in the DEIS/FEIS and draft ROD, unlike one prepared for fish and wildlife species. The EIS only reference a "Rare Plant Report." What is clear is that there has been no plant survey undertaken.

The EIS does not discuss several sensitive plant species on the 2011 Region 1 Sensitive Plant List that is also listed in the EIS. Compare Table 3.5 (page 58) with Table 4.9 (page 104) of the DFEIS. Only six of the fourteen species mentioned are analyzed and that analysis is not supported by fieldwork. The EIS merely suggests only those plant species that would be affected are included in the latter table. However, without a survey this can't be determined. The EIS is quite clear that no surveys have been done. One would think that an agency that is trying to "avoid a trend toward federal listing" would at least provide some protection for known populations and look for species of concern within the areas that they propose for treatment.

Furthermore, the EIS offers no analysis of the impacts of pre-commercial thinning on sensitive habitat. INFISH buffers would not be followed for this activity and cutting could occur up to 25 feet from streams.

Thus, conclusions of the sensitive plant section of the EIS are arbitrary and capricious. The EIS violates NEPA and NFMA. There is no site-specific analysis of potential impacts. There are assumptions that habitats in other areas will remain static despite the fact that additional activities are occurring on State and private lands adjacent to the project area (to the west).

REMEDY: don't issue the draft ROD in final form and/or prepare a supplemental EIS that addresses the issue of sensitive plants.